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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,993	03/19/2002	Jun Enomoto	1110-0300P	5628

2292 7590 04/12/2006

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EXAMINER	
RUDOLPH, VINCENT M	
ART UNIT	**PAPER NUMBER**
2625	

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/099,993	ENOMOTO, JUN	
	Examiner	Art Unit	
	Vincent M. Rudolph	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 March 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Cook ('655).

Regarding claim 15, Cook ('655) discloses a print system (a film processing system, See Figure 1) that includes an image input device (undeveloped film scanner, See Figure 1, Element 118b), which photoelectrically reads an image photographed on a photographic film to input the image data (See Col. 6, Line 40-43). It also has an image processing device to process the input image (the kiosk, See Figure 1, Element 100; Col. 4, Line 1-3). The print system also contains an image output device (printer) to output the processed image to a predetermined recording medium (See Figure 1, Element 124c; Col. 8, Line 34-40). Also within the print system is a storage device to store image data after being processed by the image processing device and prior to being converted into an output format corresponding to the predetermined recording medium (printed out), which is the image reproducing information generating the output image by using an image identification code (password) for specifying the image data (if

the user desires to print the images at another film processing center, the user can be granted access once a password is specified, See Col. 8, Line 2-24, once the user selects what process to output the image data, See Col. 7, Line 31-33). A retrieval device is then used to get the images off the storage device using the image identification code provided so the user has the opportunity to order more prints (See Col. 8, Line 24-32). This all happens when the user requests to process image data to print out the images by retrieving them using the identification code and output them to a predetermined recording medium from the image output device (See Col. 8, Line 2-32).

Regarding claim 16, Cook ('655) discloses the processed image data stored as the image reproducing information is the image data that includes image processing of sharpness processing (enhancing the image, See Col. 7, Line 19-25).

Regarding claim 17, Cook ('655) discloses that within the processed image data stored as the image reproducing information is related to each other and also managed on a database of the storage device that includes the customer (since the user needs a password to access the image(s), the data related to the images is at the same location, See Col. 8, Line 18-24).

Regarding claim 18, Cook ('655) discloses the print system is connected to other print systems via a network, and the other systems can also retrieve the image when retrieving the image reproducing information when reordering (or ordering) the image (if the user does not want to print the images at that location, it can be retrieved at another and printer there also, See Col. 8, Line 4-7).

Regarding claim 19, Cook ('655) discloses that the processed image data stored as the image reproducing information is managed by a server (mass storage device, See Figure 1, Element 126a) on the network, and that it is retrieved when performing the retrieval operation (if the user wants to access the images at another film processing system, the images can be generated through the mass storage device, See Col. 8, Line 4-7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8, 11-14 and 22-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook ('655) in view of Patton ('888).

Regarding claim 1, Cook ('655) discloses a print system (a film processing system, See Figure 1) that includes an image input device (undeveloped film scanner, See Figure 1, Element 118b), which photoelectrically reads an image photographed on a photographic film to input the image data (See Col. 6, Line 40-43). It also has an image processing device to process the input image (the kiosk, See Figure 1, Element 100; Col. 4, Line 1-3). The print system also contains an image output device (printer) to output the processed image to a predetermined recording medium (See Figure 1, Element 124c; Col. 8, Line 34-40). Also within the print system is a storage device to store an image retrieval data (the specific image) for retrieving the image processing

condition as the image reproducing information whenever generating the output image (a storage system for saving the image processing condition embodied with an image(s) if the user would like to print them out elsewhere, See Figure 1, Element 124b; Col. 7, Line 55-Col. 8, Line 6). A retrieval device is used by the print system to get the images off the storage device whenever an image reorder (or ordering) printing request takes place by reading the image processing condition from the storage device (the adjusted image that was saved, See Col. 6, Line 62-67). This all happens when a printing request is initiated, such that it begins by reading the image photoelectrically from the film (film is read by the undeveloped film scanner, See Col. 6, Line 40-43). Then the image processing is performed on the image according to the condition (user selects to enhance, crop, etc. the image, See Col. 7, Line 20-25) and generating the image to be output then (user selects the image to print, See Col. 8, Line 34-37).

Cook ('655) does not disclose having the image processing condition as the image reproducing information prior to generating the output image.

Patton ('888) discloses an image processing condition (a code, See Figure 1, Element 16) that contains information used for reprinting, such as a printing profile detailing whether the image was produced from a cropped image, the frame number, etc. (See Figure 1; Col. 4, Line 19-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include a code within the information data, such as the one disclosed by Patton ('888) and incorporate it into the print system of Cook ('655) because the imbedded information allows a user to know the condition of the image as

it was originally produced, which is able to be used when reproducing the original image (See Patton, Col. 2, Line 30-35).

Regarding claim 2, Cook ('655) discloses the image retrieval data is the image characteristics data (file name) chosen when generating compressed image data (the user selecting the specific image to print, See Col. 6, Line 4-12).

Regarding claim 3, Cook ('655) discloses the image data is stored in the storage device (the user stores the images on a mass storage device, See Col. 8, Line 4-7).

Regarding claim 4, Cook ('655) discloses the image retrieval data, the image processing condition and the compressed image data are individually related to one another so whenever any one of there is deleted, the rest of the data is deleted (the cropping or enhancement of the image is all incorporated into that specific image, so whenever it is deleted after being stored for a predetermined period of time, the embodied data is also deleted, See Col. 7, Line 55-57).

Regarding claim 5, Cook ('655) discloses that the image retrieval data, the image processing condition and compressed image data are individually related to each other and also managed on a database of the storage device that includes the customer (since the user needs a password to access the image(s), the data related to the images is at the same location, See Col. 8, Line 18-24).

Regarding claim 6, Cook ('655) discloses the print system is connected to other print systems via a network, and the other systems can also retrieve the image when performing the retrieval operation using the image retrieval data when reordering (or

ordering) the image (if the user does not want to print the images at that location, it can be retrieved at another and printer there also, See Col. 8, Line 4-7).

Regarding claim 7, Cook ('655) discloses that the image reproducing information is managed by a server (mass storage device, See Figure 1, Element 126a) on the network, and that it is retrieved when performing the retrieval operation (if the user wants to access the images at another film processing system, the images can be generated through the mass storage device, See Col. 8, Line 4-7).

Regarding claim 8, Cook ('655) discloses the retrieval range (the time limit) and retrieval condition (being retrieved before the predetermined expiration of the images) can be preset when performing the retrieval operation (if the user chooses to store the images in the storage system, they are available for a certain limited time, See Col. 7, Line 55-57).

Regarding claim 11, Cook ('655) discloses the number of frames of storable image reproducing information (images), which is set in accordance with the print system performance (time the image is saved for) and resource (where to store the image), is changeable (number of images user saves depends on how many one wants to store and how long, which can change if the user decides to print them directly (RAM), later (mass storage) or keep them (burn to a cd or save to a floppy disk), See Col. 7, Line 30-33; Col. 7, Line 55-Col. 8, Line 2).

Regarding claim 12, Cook ('655) does not disclose the image processing condition so it is related to the image characteristic data and stored as the image reproducing information prior to generating the output image.

Patton ('888) discloses an image processing condition (a code, See Figure 1, Element 16) that contains information used for reprinting, such as a printing profile detailing whether the image was produced from a cropped image, the frame number, etc. (See Figure 1; Col. 4, Line 19-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include a code and relate it to the image characteristic data, such as the one disclosed by Patton ('888) and incorporate it into the print system of Cook ('655) because the coded information allows a user to know the processing condition of the image as it was originally produced relating to the image characteristic data, which is then able to be used whenever reproducing the original image (See Patton, Col. 2, Line 30-35).

Regarding claim 13, Cook ('655) discloses the image reproducing information is obtained by loading the data of a predetermined print system (the one the user is at) at a predetermined timing (the reproducing information is retrieved whenever the user requests it, See Col. 8, Line 4-7).

Regarding claim 14, Cook ('655) discloses the loaded image reproducing information can be deleted after an image reorder (or order) is completed (since the images are stored for a certain time period, incase the user decides to print more, they are deleted after that time passes, See Col. 7, Line 55-57).

Regarding claim 26, Cook ('655) discloses a selection can be made whether the image, after the reorder (or order) is outputted using the same print system as when originally generating the output image, can be reproduced using the same or another

print system (since the storage system stores the images for a certain time period, the user can access the images at other film processing centers if desired, See Col. 8, Line 2-7).

Regarding claim 27, the rationale provided in the rejection of claim 1 is incorporated herein. In addition, Cook ('655) discloses that the print system uses the storage device to store image data after being processed by the image processing device and prior to being converted into an output format corresponding to the predetermined recording medium (printed out), with an image retrieval data (the specific image) for retrieving the image processing condition as the image reproducing information whenever generating the output image (a storage system for saving the image processing condition embodied with an image(s) if the user would like to print them out elsewhere, See Figure 1, Element 124b; Col. 7, Line 55-Col. 8, Line 6). The retrieval device is used to get the image processing condition from the storage device using the image retrieval data for the reorder (or order) printing request (the adjusted image that was saved, See Col. 6, Line 62-67). A judgment device (the detection of the touch screen menus, See Col. 6, Line 15-18) is used to decide there is a change between the image processing condition when the output image reproducing the photographed image is generated and when the reorder (or order) is made (the film processing system can enhance, print, output, etc. the selected digitized images by interacting with it, See Col. 6, Line 4-12). If there was no change in the image processing condition upon the reorder (or order), the image is output using the processed image data stored in the storage device (the user requests to print the image

if satisfied with the result, See Col. 6, Line 8-12). If there was a change in the image processing condition (for example, the image was accidentally cropped too much and saved) upon the reorder (or order), the image is newly read from the photographic film so the image processing condition corresponding to the image stored can be changed to the appropriate processing condition (the user re-enters the film to get the image again to correctly edit the image, See Col. 7, Line 20-25).

Regarding claim 28, Cook ('655) discloses that even though there is a change in the image processing condition upon the reorder (or order), the image is output using the processed image data stored in the storage device (if the user is able to undo the error prior to saving it, the image can still be printed without re-entering the photographed film, See Col. 4, Line 1-11).

Cook ('655) does not disclose that the change in the image processing condition is within a preset allowable range.

Once the image is saved, it can be cropped more until the user finds it suitable prior to printing, which is within the preset allowable range. In the case where the user cropped it too much, if the image is saved also, the image has to be photoelectrically read again in order for the user to change the image processing condition within the preset allowable range (See Col. 7, Line 19-25). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to have the preset allowable range included within the print system in order for the user to change the image when necessary before outputting it.

Regarding claim 29, Cook ('655) discloses the storage device stores the image reproducing information only for a predetermined period (See Col. 7, Line 55-57). Also, the processed image data is erased (erased after a certain time period in case the user would like it print it out at a later date, See Col. 7, Line 55-57).

Cook ('655) does not disclose storing the image retrieval data and the image processing condition of the reproducing information after the elapse of the predetermined period.

Cook does disclose that the print system stores data relating to the image reproducing information after the elapse of he predetermined period (data regarding the billing of the user, See Col. 5, Line 41-43). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to have the billing data relating to the image reproducing information incorporated into the print system because the information can include the image retrieval data (the filename of the image so the user knows which image was printed) and the image processing condition (so the user knows which size was printed and successfully charged to the account).

Regarding claim 30, Cook ('655) discloses that the predetermined period can be preset (the certain limited time period has to be set by the server in order to not overload the storage system, See Col. 7, Line 55-57).

Cook ('655) does not disclose that the predetermined period can be preset by an operator.

An operator can be someone, such as a network administrator, who oversees the print system server and presets the time period so the files are deleted after a certain predetermined point in time.

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to have the operator, such as the network administrator, set the predetermined time period to make sure the server does not overload or crash from all the images being saved onto it. Thus, by setting a time period, this prevents the system from loading too much, which can lead to all the images being lost.

Regarding claim 31, Cook ('655) discloses the print system includes a display capable of displaying an image (See Figure 1, Element 102), so it can display the retrieval result of the image reproducing information upon the reorder (or ordering) (the user selects the image to print out using the display, See Col. 4, Line 1-11).

Regarding claim 32, Cook ('655) discloses when a retrieval object is not found, the images listed as a second candidate and the following can be displayed (in case the image is not found, other images are displayed so the user can select the second candidate, or alternate, ones to print, See Col. 4, Line 4-7).

Regarding claim 33, Cook ('655) discloses a back-printing device to print out the output image, which is done as a result of the image reproducing information of the reorder (or ordering) (a printer is located within the film processing system to automatically print out the selected images, See Figure 1, Element 134a; Col. 8, Line 34-45).

Regarding claims 22-25 and 34-35, the rationale provided in the rejection of claims 8, 11-14 is incorporated herein.

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook ('655) in view of Patton ('888) as applied to claim 1, and further in view of Chacker ('008).

Regarding claim 9, Cook ('655) discloses the image reproducing information, the image retrieval data and the compressed data are saved (the information is saved when the user requests to save it, See Col. 7, Line 55-Col. 8, Line 7).

Cook ('655) does not disclose backing up the data at a predetermined timing.

Chacker ('008) discloses backing up data at a predetermined timing (the data files are backed up on a daily basis, See Col. 11, Line 31-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to have a backup system, such as the one disclosed by Chacker ('008) and incorporate it into the print system disclosed by Cook ('655) because the backup system helps to prevent the image data being lost in a situation and ensures that the user's data is saved on the storage device.

Regarding claim 10, Cook ('655) discloses the image reproducing information, the image retrieval data and the compressed data are saved within a predetermined timing (the information is saved when the user requests to save it, See Col. 7, Line 55-Col. 8, Line 7).

Cook ('655) does not disclose that the predetermined timing occurs during the time whenever an operator gives the instruction.

Chacker ('008) discloses backing up the data on a daily time period (the backup files are predetermined to be saved on a daily basis, See Col. 11, Line 31-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to have the backup system disclosed, such as the one disclosed by Chacker ('008) and incorporate it into the print system disclosed by Cook ('655) because by specifying the time to back the data up, it helps to prevent the image data being lost and ensures that the user's image data is safely stored on the storage device.

Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook ('655) in view of Chacker ('008).

Regarding claims 20-21, the rationale provided in the rejection of claims 9-10 is incorporated herein respectively.

Response to Arguments

The applicant discloses that the prior art does not teach having an image processing condition that is stored and retrieved whenever an image reorder is made. While Cook ('655) does not fully disclose that feature, by incorporating the prior art of Patton ('888), it is able to overcome the limitation. The reason is because Patton ('888) discloses a code within the information data (See Figure 1, Element 16), which contains the information used for reprinting an image. This information includes the frame number, whether the image was cropped, etc. (See Col. 4, Line 19-50). Thus, by having the code, a system is able to read the processing condition applied to the previously printed image, and by incorporating it into the printing system of Cook ('655),

a user is able to retrieve the conditions whenever a reorder is requested for an image so that the previous image data changes are known prior to outputting.

The applicant also discloses that the prior art does not teach storing the image data to a storage device after it is processed and before being converted to an output form. Cook ('655) discloses that the user is able to store, print, communicate and output the digital image (See Col. 7, Line 30-33). By allowing a user these capabilities, an image is able to be printed whenever the user requests (See Col. 8, Line 34-37) as well as save the images onto a mass storage device for later use (See Col. 7, Line 55-57).

Also, the applicant requested to supply evidence regarding the OFFICAL NOTICE for claims 9-10 and 20-21. As a result, the prior art of Chacker ('008), which discloses a server that backs up data on a daily basis (See Col. 11, Line 31-37), is used in combination with Cook ('655) and is able to overcome the limitations of the above claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action in which new prior art was used in the rejection (Patton and Chacker). Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is: Midgley ('984).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent M. Rudolph whose telephone number is (571) 272-8243. The examiner can normally be reached on Monday through Friday 8 A.M. - 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4/7/06
VMR

Vincent M. Rudolph
Examiner
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